

1 **Rule 1.4. Communication.**

2 (a) A licensed paralegal practitioner shall:

3 (a)(1) promptly inform the client of any decision or circumstance with respect to which the  
4 client's informed consent, as defined in Rule 1.0(f), is required by these Rules;

5 (a)(2) reasonably consult with the client about the means by which the client's objectives are  
6 to be accomplished;

7 (a)(3) keep the client reasonably informed about the status of the matter;

8 (a)(4) promptly comply with reasonable requests for information; and

9 (a)(5) consult with the client about any relevant limitation on the licensed paralegal  
10 practitioner's conduct when the licensed paralegal practitioner knows that the client expects  
11 assistance not permitted by the Licensed Paralegal Practitioner Rules of Professional Conduct or  
12 other law.

13 (b) A licensed paralegal practitioner shall explain a matter to the extent reasonably necessary  
14 to permit the client to make informed decisions regarding the representation.

15

16 Comment

17

18 [1] Reasonable communication between the licensed paralegal practitioner and the client is  
19 necessary for the client effectively to participate in the representation.

20

21 Communicating with Client

22

23 [2] If these Rules require that a particular decision about the representation be made by the  
24 client, paragraph (a)(1) requires that the licensed paralegal practitioner promptly consult with  
25 and secure the client's consent prior to taking action unless prior discussions with the client have  
26 resolved what action the client wants the licensed paralegal practitioner to take. For example, a  
27 licensed paralegal practitioner who receives from opposing counsel an offer of settlement in a  
28 civil controversy must promptly inform the client of its substance unless the client has previously  
29 indicated that the proposal will be acceptable or unacceptable or has authorized the licensed  
30 paralegal practitioner to accept or to reject the offer. See Rule 1.2(a).

31 [3] Paragraph (a)(2) requires the licensed paralegal practitioner to reasonably consult with the  
32 client about the means to be used to accomplish the client's objectives. In some situations—  
33 depending on both the importance of the action under consideration and the feasibility of  
34 consulting with the client—this duty will require consultation prior to taking action.  
35 Additionally, paragraph (a)(3) requires that the licensed paralegal practitioner keep the client  
36 reasonably informed about the status of the matter, such as significant developments affecting  
37 the timing or the substance of the representation.

38

39 [4] A licensed paralegal practitioner's regular communication with clients will minimize the  
40 occasions on which a client will need to request information concerning the representation.  
41 When a client makes a reasonable request for information, however, paragraph (a)(4) requires  
42 prompt compliance with the request, or if a prompt response is not feasible, that the licensed  
43 paralegal practitioner, or a member of the licensed paralegal practitioner's staff, acknowledge  
44 receipt of the request and advise the client when a response may be expected. A licensed  
45 paralegal practitioner should promptly respond to or acknowledge client communications.

46

#### 47 Explaining Matters

48

49 [5] The client should have sufficient information to participate intelligently in decisions  
50 concerning the objectives of the representation and the means by which they are to be pursued, to  
51 the extent the client is willing and able to do so. Adequacy of communication depends in part on  
52 the kind of advice or assistance that is involved. For example, when there is time to explain a  
53 proposal made in a negotiation, the licensed paralegal practitioner should review all important  
54 provisions with the client before proceeding to an agreement. On the other hand, a licensed  
55 paralegal practitioner ordinarily will not be expected to describe negotiation strategy in detail.  
56 The guiding principle is that the licensed paralegal practitioner should fulfill reasonable client  
57 expectations for information consistent with the duty to act in the client's best interests and the  
58 client's overall requirements as to the character of representation. In certain circumstances, such  
59 as when a licensed paralegal practitioner asks a client to consent to a representation affected by a  
60 conflict of interest, the client must give informed consent, as defined in Rule 1.0(f).

61 [6] Ordinarily, the information to be provided is that appropriate for a client who is a  
62 comprehending and responsible adult. However, fully informing the client according to this  
63 standard may be impracticable, for example, where the client suffers from diminished capacity.  
64 See Rule 1.14. When the client is an organization or group, it is often impossible or inappropriate  
65 to inform every one of its members about its legal affairs; ordinarily, the licensed paralegal  
66 practitioner should address communications to the appropriate officials of the organization. See  
67 Rule 1.13.

68

69 Withholding Information

70

71 [7] In some circumstances, a licensed paralegal practitioner may be justified in delaying  
72 transmission of information when the client would be likely to react imprudently to an immediate  
73 communication. Thus, a licensed paralegal practitioner might withhold a psychiatric diagnosis of  
74 a client when the examining psychiatrist indicates that disclosure would harm the client. A  
75 licensed paralegal practitioner may not withhold information to serve the licensed paralegal  
76 practitioner's own interest or convenience or the interests or convenience of another person.  
77 Rules or court orders governing litigation may provide that information supplied to a licensed  
78 paralegal practitioner may not be disclosed to the client. Rule 3.4(c) directs compliance with  
79 such rules or orders.